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Chapter No. 464
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HOUSE BILL NO. 987

Originated in House  Clerk

HOUSE BILL NO. 987

AN ACT TO PROVIDE THAT IN THE LEFLORE COUNTY AND GREENWOOD MUNICIPAL SEPARATE SCHOOL DISTRICTS THERE SHALL BE AN ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE DESIGNATED AS THE GREENWOOD-LEFLORE SCHOOL DISTRICT EFFECTIVE JULY 1, 2019; TO PROVIDE FOR THE COMPOSITION OF THE BOARD OF EDUCATION OF THE NEW GREENWOOD-LEFLORE SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL DISTRICTS FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS AND THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE CONSOLIDATION; TO PROVIDE A TWO-YEAR WAIVER FROM ACCOUNTABILITY AND STATE ASSESSMENT REQUIREMENTS FOR THE NEW STUDENT POPULATION; TO AMEND SECTIONS 37-7-103 AND 37-5-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) In Leflore County, Mississippi, in which are located, as of January 1, 2016, two (2) school districts, there shall be an administrative consolidation of those school districts in the county into one (1) new countywide school district to be designated as Greenwood-Leflore School District which shall

consist of the territory of the former Leflore County School District and the Greenwood Municipal Separate School District, effective on July 1, 2019. At such time that the administrative consolidation becomes effective, the central administrative office of the Greenwood-Leflore School District shall be current Greenwood Public School District Central Office, located in Greenwood, Mississippi.

(2) As soon as practicable, a financial advisor and/or other facilitator with school district experience may be assigned by the Mississippi Department of Education to oversee the budgeting and financial matters relating to the consolidation of the districts slated for consolidation. The financial advisor and/or facilitator may, at the discretion of the Mississippi Department of Education, continue duties for one (1) year after the consolidation to ensure that all financial matters are in place. All financial expenditures of districts that are closing must be approved by the financial advisor and/or facilitator. If the superintendent and/or school board approves expenditures outside of this approval, they shall be personally liable for the excess expenditures. The State Board of Education shall determine the compensation to be paid to the financial advisor and/or facilitator which shall be paid by the local school district to which the financial advisor and/or facilitator is assigned.

(3) (a) On July 1, 2018, the State Board of Education shall serve the local school boards of the Leflore County School

District and the Greenwood Municipal Separate School District with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall require the administrative consolidation of Leflore County School District and the Greenwood Municipal Separate School District on or before July 1, 2019. In the new Greenwood-Leflore School District, there shall be a new phased-in County Board of Education comprised of five (5) members elected to staggered terms of office from single member supervisors districts in the manner prescribed in this subsection. Current members of the Board of Trustees of the Greenwood Public School District serving on November 1, 2017, shall continue in office as the new County Board of Education of the Greenwood-Leflore School District until their successors are elected as follows:

(i) The two (2) appointed board members of the Greenwood Public School District whose terms are nearest to expiration shall expire on January 1, 2019, and thereafter become permanently elected positions to be filled by persons elected as board members from Supervisors Districts 2 and 3 in a November 2018 election held for that purpose, in the manner prescribed in Section 37-7-203, and the newly elected members will take office on January 1, 2019, for a term of four (4) years;

(ii) The final two (2) appointed board members of the Greenwood Public School District whose terms are the farthest

removed from expiration shall expire on January 1, 2020, and thereafter become permanently elected positions to be filled by persons elected as board members from Supervisors Districts 4 and 5 in a November 2019 election held for that purpose, in the manner prescribed in Section 37-7-203, and the newly elected members will take office on January 1, 2020, for a term of four (4) years; and

(iii) One (1) appointed board member of the Greenwood Public School District whose term is next nearest to expiration shall expire on January 1, 2021, and thereafter become a permanently elected position to be filled by a person elected as a board member from Supervisors District 1 in a November 2020 election held for that purpose, in the manner prescribed in Section 37-7-203, and the newly elected members will take office on January 1, 2021, for a term of four (4) years.

(b) All subsequent members shall be elected for a term of four (4) years at the regular general election held on the first Monday in November next preceding the expiration of the term of office of the respective members, and shall take office on January 1 next succeeding the election.

(c) No previous school board member of the former school district that was placed under conservatorship residing in the proper territory shall be eligible for selection to the new Board of Education for the Greenwood-Leflore Consolidated School District.

(d) The State Board of Education shall declare that the territory embraced by Leflore County, Mississippi, shall be the boundary lines for the territory of the new Greenwood-Leflore School District and shall spread a legal description of the new school district on the minutes of its August 2018 meeting and shall serve the applicable school boards and the board of supervisors with an adequate legal description of these new boundaries. Any school board member of the former school districts residing in the proper supervisors district shall be eligible for election to the new Board of Education for the Greenwood-Leflore School District unless such person was serving as a member of the board when either district subject to consolidation under this act was placed under conservatorship, which shall render the board member ineligible for election.

(e) Any school district affected by the required administrative consolidation in the county that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State Board of Education, to be effective immediately upon action of the State Board of Education. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into the Greenwood-Leflore School District by July 1, 2019, following the motion to

consolidate. The affected school districts shall comply with any consolidation order issued by the State Board of Education.

(4) The successor Greenwood-Leflore Board of Education shall appoint a new Superintendent of Schools for the Greenwood-Leflore School District to be selected no later than July 1, 2019, in the manner provided in Section 37-9-13. The position of Greenwood-Leflore Superintendent of Schools shall be an appointive position. The successor Greenwood-Leflore Board of Education shall also employ central office staff for the Greenwood-Leflore School District no later than July 1, 2019.

(5) (a) On January 1, 2020, following the motion of the State Board of Education to consolidate school districts in Leflore County and the Greenwood Municipal Separate School Districts, the Leflore County and the Greenwood Municipal Separate School Districts and the former school boards of those districts shall be abolished. All real and personal property which is owned or titled in the name of the school district located in such former school districts shall be transferred to the new Greenwood-Leflore Consolidated School District.

(b) The new board of trustees of the Greenwood-Leflore Consolidated School District shall be responsible for establishing the contracts for teachers, principals, clerical and administrative staff personnel for the 2019-2020 school year and each school year thereafter.

(c) The new board of trustees for the Greenwood-Leflore Consolidated School District shall appoint the superintendent of schools for the school district. The superintendent of schools for the Greenwood-Leflore Consolidated School District may appoint three (3) assistant superintendents of schools for the district, but in no instance shall the administrative leadership of the Greenwood-Leflore Consolidated School District have more than three (3) assistant superintendents of education. The subsequent superintendent of schools of the consolidated school district shall not be elected, but shall thereafter be appointed by the successor board of trustees in the manner provided in Section 37-9-25. It shall be the responsibility of the successor board of trustees to prepare and approve the budget of the new consolidated district, and the successor board of trustees may use staff from the former school districts to prepare the budget. Any proposed order of the State Board of Education directing the transfer of the assets, real or personal property of an affected school district in the county, shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation.

(d) Any person or school district aggrieved by an order of the successor newly selected board of trustees of the Greenwood-Leflore Consolidated School District pursuant to the required administrative consolidation may appeal therefrom within ten (10) days from the date of the adjournment of the meeting at

which such order is entered. The appeal shall be taken in the same manner as appeals are taken from judgments or decisions of the board of supervisors as provided in Section 11-51-75, the provisions of which shall be fully applicable to appeals taken hereunder. The board of trustees of the Greenwood-Leflore Consolidated School District shall not pass upon or approve or disapprove any such order until the time for an appeal therefrom has expired, nor shall the board pass upon or approve or disapprove any such order from which an appeal is taken until said appeal has been finally determined.

(6) Nothing in this section shall be construed to require the closing of any school or school facility, unless the facility is an unneeded administrative office located within a school district which has been abolished under the provisions of this section. All administrative consolidations under this section shall be accomplished so as not to delay or in any manner negatively affect the desegregation of another school district in the county pursuant to court order.

(7) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Leflore County pursuant to this section. The consolidated districts shall make an election within one (1) year of consolidation concerning the group term life insurance described in subsection (6) of Section 25-15-9.

(8) The County Board of Education and the Superintendent of Education of the former Leflore County School District and the local school board and Superintendent of Schools of the Greenwood-Leflore Public School District shall cooperate with the State Department of Education, as soon as practicable after the effective date of this act, for the planning and transition of programs, services and alignment of curriculum for the administratively consolidated school districts.

SECTION 2. Section 37-7-103, Mississippi Code of 1972, is amended as follows:

37-7-103. From and after July 1, 1987, the school board of any school district shall have full jurisdiction, power and authority, at any regular meeting thereof or at any special meeting called for that purpose, to abolish such existing district, or to reorganize, change or alter the boundaries of any such district. In addition thereto, with the consent of the school board of the school district involved, the school board may add to such school district any part of the school district adjoining same, and with the consent of the school board of the school district involved, may detach territory from such school district and annex same to an adjoining district. Provided, however, that the consent of the school board of the school districts involved in implementing the provisions of Section 37-7-104 or Section 37-7-104.2 or Section 37-7-104.3 or Section 1 of this act shall not be required for the administrative

consolidation of such school districts pursuant to the order of the State Board of Education.

SECTION 3. Section 37-5-7, Mississippi Code of 1972, is amended as follows:

37-5-7. (1) On the first Tuesday after the first Monday in May, 1954, an election shall be held in each county in this state in the same manner as general state and county elections are held and conducted, which election shall be held for the purpose of electing the county boards of education established under the provisions of this chapter. At such election, the members of the said board from Supervisors Districts One and Two shall be elected for the term expiring on the first Monday of January, 1957; members of the board from Supervisors Districts Three and Four shall be elected for a term expiring on the first Monday of January, 1959; and the member of the board from Supervisors District Five shall be elected for a term expiring on the first Monday of January, 1955. Except as otherwise provided in subsection (2), all subsequent members of the board shall be elected for a term of six (6) years at the regular general election held on the first Monday in November next preceding the expiration of the term of office of the respective member or members of such board. All members of the county board of education as herein constituted, shall take office on the first Monday of January following the date of their election.

(2) On the first Tuesday after the first Monday in November, in any year in which any county shall elect to utilize the authority contained in Section 37-5-1(2), an election shall be held in each such county in this state for the purpose of electing the county boards of education in such counties. At said election the members of the said county board of education from Districts One and Two shall be elected for a term of four (4) years, the members from Districts Three and Four shall be elected for a term of six (6) years, and the member from District Five shall be elected for a term of two (2) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of six (6) years each. All members of the county board of education shall take office on the first Monday of January following the date of their election.

(3) (a) Current members of the Board of Trustees of the Greenwood Public School District serving on November 1, 2017, shall continue in office as the new County Board of Education of the Greenwood-Leflore School District until their successors are elected as follows:

(i) The two (2) appointed board members of the Greenwood Public School District whose terms are nearest to expiration shall expire on January 1, 2019, and thereafter become permanently elected positions to be filled by persons elected as board members from Supervisors Districts 2 and 3 in a November 2018 election held for that purpose, in the manner prescribed in

Section 37-7-203, and the newly elected members will take office on January 1, 2019, for a term of four (4) years;

(ii) The final two (2) appointed board members of the Greenwood Public School District whose terms are the farthest removed from expiration shall expire on January 1, 2020, and thereafter become permanently elected positions to be filled by persons elected as board members from Supervisors Districts 4 and 5 in a November 2019 election held for that purpose, in the manner prescribed in Section 37-7-203, and the newly elected members will take office on January 1, 2020, for a term of four (4) years; and

(iii) One (1) appointed board member of the Greenwood Public School District whose term is next nearest to expiration shall expire on January 1, 2021, and thereafter become a permanently elected position to be filled by a person elected as a board member from Supervisors District 1 in a November 2020 election held for that purpose, in the manner prescribed in Section 37-7-203, and the newly elected members will take office on January 1, 2021, for a term of four (4) years.

(b) All subsequent members shall be elected for a term of four (4) years at the regular general election held on the first Monday in November next preceding the expiration of the term of office of the respective members, and shall take office on January 1 next succeeding the election.

SECTION 4. This act shall take effect and be in force from and after July 1, 2016.

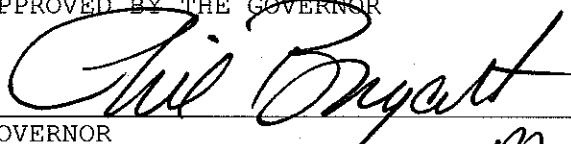
PASSED BY THE HOUSE OF REPRESENTATIVES
April 19, 2016


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 19, 2016


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

May 10, 2016
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